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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,176	09/09/2003	Kenzo Ebihara	2003-1286	1651
513	7590	12/01/2004		EXAMINER
		WENDEROTH, LIND & PONACK, L.L.P.		PATEL, TAJASH D
		2033 K STREET N. W.		
		SUITE 800	ART UNIT	PAPER NUMBER
		WASHINGTON, DC 20006-1021	3765	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/657,176	EBIHARA, KENZO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tejash D Patel	3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 09 September 2003.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-7 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-7 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date 11/5/04.

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenberg et al. (US 6,314,580) in view of Macinai et al. (US 5,725,039).

Greenberg et al. (hereinafter Greenberg) discloses pockets forming article containing space with each defining a piece of seal cloth (24, 26, 28, 30) being sewn onto front and rear sides on an interior surface of a garment, respectively, with an upper edge of each of the pocket being open, col. 5, lines 14-18 and as shown in figure 1-A. Further, each of the pockets includes a fastening means (52, 56, 58, 62) being detachably fastened by hook and loop material, col. 6, lines 4-9. Greenberg discloses the invention as set forth above except for showing a dimensioned bag-like catch extension formed in the vicinity of the seal cloth and a fastening means including a magnet.

Macinai et al. (hereinafter Macinai) discloses a pocket (10) having a flap (22) with a thin piece (46) formed conventionally of metal that is attached to magnets (48,50) lined within a body of the pocket, col. 3, lines 44-53.

It would have been obvious to one skilled in the art that the pocket of Greenberg when viewed with Macinai can include the seal cloth to define a dimensioned contiguous catch extension as a matter of design choice or depending on the end use thereof.

Further, it would have been obvious to one skilled in the art that the pocket of Greenberg when viewed with Macinai having a thin metal piece within the seal cloth can provide structural reinforcement thereto when fastened in a closed position. Also, it would have been obvious to one skilled in the art at the time the invention was made to provide the small cloth and fastening means of Greenberg with magnets and a metal bar as taught by Macinai, respectively as an alternative but equivalent means of fastening the pocket as known in the art, so that desired items are retained within the pocket. Further, it is obvious that any conventional type of complementary flexible/rigid magnets being a sheet, disc, etc can be used as required for a particular application thereof.

With regard to claim 3, it would have been obvious that the seal cloth of Greenberg when viewed with Macinai can be made of a different material than the garment, depending on the materials that were available at the time the invention was made.

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tejash Patel whose telephone number is (571) 272-4993. The fax phone number for this group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

November 5, 2004



**TEJASH PATEL  
PRIMARY EXAMINER**